

# **Amendments to The National Assistance (Assessment of Resources) Regulations 1992 in respect of the Troubles-related incident Victims' Payment Scheme (Northern Ireland)**

## **Equality Impact Assessment**

April 2022



Scottish Government  
Riaghaltas na h-Alba  
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## Equality Impact Assessment Record

<b>Title of policy/ practice/ strategy/ legislation etc.</b>	Amendments to The National Assistance (Assessment of Resources) Regulations 1992 in respect of the Troubles-related incident Victims' Payment Scheme (Northern Ireland).	
<b>Minister</b>	Minister for Mental Wellbeing and Social Care	
<b>Lead official</b>	Deirdre Henderson, Adult Social Care Charging	
<b>Officials involved in the EQIA</b>	<b>Name</b>	<b>Team</b>
	Neil Grant	Social Care Analytical Unit
<b>Directorate: Division: Team</b>	Social Care and NCS Development Directorate, Improving Standards and Quality Division: Adult Social Care Charging	
<b>Is this new policy or revision to an existing policy?</b>	Revision of existing legislation	

### Screening

1. The Scottish Government is mindful of its obligations under the Equality Act 2010 and the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012. Section 149 of the Equality Act 2010 places a general duty (known as the Public Sector Equality Duty (PSED)) on public authorities to have due regard to: eliminating unlawful discrimination, harassment and victimisation; advancing equality of opportunity between people who share a Protected Characteristic and those who do not; and fostering good relations between people who share a Protected Characteristic and those who do not. The Scottish Government recognises that while the amendment may positively impact on one or more of the Protected Characteristic groups, the introduction of the amendment may also have a negative impact on one or more of the Protected Characteristic groups. Where any negative impacts are identified, we aim to mitigate/eliminate these. We are also mindful that the equality duty is not just about negating or mitigating negative impacts, as we also have a positive duty to promote equality. We aim to do this through provisions contained in the Regulations, as amended, or by current support and guidance available.
2. For the purposes of this document the following screening questions were considered.

Will the amendment:

- Eliminate unlawful discrimination, harassment and victimisation

- Advance equality of opportunity
  - Foster good relations
3. From initially assessing the likely impact of this new amendment to an existing regulation it would seem likely that the amendment would impact the equality experience for people impacted by Troubles-related incidents, originating in the conflict in Northern Ireland. Evidence has been taken from the equality assessment work already carried out for the development of the Victims' Payments Regulations 2020 legislation<sup>1</sup> which has been laid in Northern Ireland. This legislation underpins the Troubles-related incident Victims' Payment Scheme (Northern Ireland).

### **Amendment Aim**

4. Under the provisions of the Northern Ireland (Executive Formation etc) Act 2019, the UK Government was required to bring forward legislation providing for a scheme of payments to, or in respect of, persons who have sustained injuries as a result of Troubles-related incidents by 31 January 2020, if an Executive was not formed by 21 October; and for that legislation to have effect on or by 31 May 2020.
5. The UK Government ran a public consultation on the establishment of this scheme between 2 October 2019 and 26 November 2019, publishing a consultation document and associated Equality Impact Assessment<sup>2</sup>. This Equality Impact Assessment was updated, taking into account evidence submitted during the consultation and accompanied the laying of The Victims' Payments Regulations 2020 on 30 January 2020.
6. The primary intended effect of this scheme is to provide those living with disablement caused by an injury sustained in a Troubles-related incident with an acknowledgement of the harm which they have suffered and a measure of financial support, which may help to improve their quality of life and provide greater security around their financial futures.
7. This scheme acknowledges the harm caused to those people injured through no fault of their own in the Troubles through annual payments of c. £2,000 to £10,000 for the rest of their lives. The date parameters for the scheme will be Jan 1966 - Apr 2010, but an independent Board will also have discretion to consider applications for incidents outside these dates which they consider it would be in line with the purpose of the scheme to include. Anyone injured anywhere in the UK who meet the other eligibility criteria will be eligible for the scheme (regardless of residency). And any UK citizen, or person of NI, injured in Europe will be eligible.<sup>3</sup>

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<sup>1</sup> [Equality Impact Assessment - The Victims' Payments Regulations 2020](#)

<sup>2</sup> [Legal Framework: Troubles-related incident Victims' Payment Scheme](#)

<sup>3</sup> [Northern Ireland Troubles-related incident victims payments scheme](#)

8. However, clauses are in place to allow the Board to deny compensation to an applicant if they have a conviction from the age of 18 years onwards, in respect of conduct which caused serious physical or psychological injury to another person, such a conviction would ordinarily make victims' payments inappropriate. This includes recent terrorism charges.
9. In addition, evidence of continuing disregard for the law will also ordinarily lead the Board to consider any entitlement inappropriate. Another reason to deny someone a compensation payment would be if the person caused, wholly or in part, the incident in which they were injured, as evidenced by a case or action proven to a civil standard.<sup>4</sup>
10. Arrangements for the payments to continue for ten years following the death of the injured person, to a nominated spouse, civil partner, cohabiting partner or registered carer, are intended to recognise significant personal sacrifices by those who have cared for those living with serious injuries, and who would benefit from additional financial support on account of this.
11. Compensation awarded to survivors, and their families, will be exempt from social care support means tests for those now living in Scotland.
12. This contributes to the National Performance Framework outcome to respect, protect and fulfil human rights and enable people to live free from discrimination.

### **Who will it affect?**

13. The National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 1992 concern the assessment of the ability of a person to pay for certain accommodation arranged by local authorities, including care homes. They include details of income to be disregarded from the assessment of a resident's liability. An amendment made to specifically include the disregard of payments from the Troubles-related incident Victims' Payment Scheme (Northern Ireland) would benefit recipients who are living in or plan to move into care homes, who are subject to financial assessments for care charges.
14. In Scotland, On 31 March 2021, there were 40,632 registered places in adult care homes, of which there were an estimated 29,317 long stay residents in care homes for older people (65 and over)<sup>5</sup>.
15. In relation to people most likely to use adult care homes in Scotland, the age range of the people who are most likely to benefit from the scheme are over 60 years old.

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<sup>4</sup> [Guidance on decision-making for the Victims' Payments Scheme](#)

<sup>5</sup> [Care home census for adults in Scotland Statistics for 2011 to 2021](#)

16. Many of those victims and survivors of the Troubles who stand to benefit from the Troubles-related incident Victims' Payment Scheme (Northern Ireland) fall within the older age bracket. Under the scheme eligible applicants to the scheme who suffered disablement caused by injuries in a Troubles-related incident dating back to 1966 will receive payments in acknowledgment of the harm that they have suffered. Those who are over 60 and those who reach that age while receiving payments will have the option of receiving their payment as a lump sum.
17. It is understood that in many cases victims who were injured in Troubles-related incidents suffered from a range of financial impacts including a reduced ability to accrue an occupational pension to support them, and in many cases their families, in old age. It is expected that greater security around the financial future of victims, and the option to transfer payments for a 10 year period on death to a partner or carer will have a positive impact upon the families and therefore dependants of those eligible under the scheme.
18. It is estimated that 40,000 individuals were physically injured in Troubles-related incidents, ranging across bombs exploding, riots, shootings, armed robberies and 'punishment' attacks. Many more individuals are estimated to have suffered from psychological injuries. The scheme will primarily benefit the most seriously disabled survivors of Troubles-related incidents who have suffered from either physical or psychological injury, or both.
19. It is anticipated that more women than men will apply to the compensation scheme, either through their own disablement due to a Troubles-related incident or because they are the unpaid carers of a partner who has applied. Our evidence shows us that women are more likely to be unpaid carers than men <sup>67</sup>. More women may also be eligible to apply as evidence shows that men are more likely to commit crimes that may make them ineligible to apply for the Troubles-related incident Victims' Payment Scheme (Northern Ireland)<sup>89</sup>.
20. It is a mixed picture for differences based on religion. The two main religions of Northern Ireland, Catholicism and Protestantism, which have traditionally underpinned the tribal nature of some of the incidents of the Troubles is not clear. Many more Catholics reported directly experiencing the Troubles, particularly more extreme experiences, including having nightmares and other psychological traumas. However, more Protestants report experiencing long term illnesses<sup>10</sup>.

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<sup>6</sup> [Scottish Health Survey 2018: main report - revised 2020](#)

<sup>7</sup> [Carers NI - Facts & Figures](#)

<sup>8</sup> [Court prosecutions, convictions and out of court disposals statistics for Northern Ireland, 2020](#)

<sup>9</sup> [Criminal proceedings in Scotland 2017-2018](#)

<sup>10</sup> [Equality Impact Assessment - The Victims' Payments Regulations 2020](#)

21. The scheme is expected to have a particularly positive effect on older people, disabled people and women by having a positive financial effect which could advance equality of opportunity. It could foster good relations by vindicating the innocence of people caught up in the Troubles-related incidents who were impacted negatively through no fault of their own. It is likely to play a part in healing political and social divisions caused through these incidents.
22. It is also possible that some applicants, or the victims that they are claiming for, will have or had intersectional Protected Characteristics, and may therefore have multiple impacts, which have not been able to be recorded.
23. While some of the Troubles-related incidents will have happened in Great Britain (mainly England) or in Europe, the vast majority of incidents will have taken place in Northern Ireland. There have been around 1000 applications since the compensation scheme opened in August 2020 and only 67 applications have come from Great Britain. It is expected that the majority of those 67 applications will have come from people living in England.
24. Taking into account all the above factors, the population size that this amendment might impact would be quite small, given that only 0.7% of the Scottish population (36,655) come from Northern Ireland according to the 2011 Census. It is not clear what percentage of this number would qualify for the compensation payments.

### **What might prevent the desired outcomes being achieved?**

25. If legislation within The National Assistance (Assessment of Resources) Regulations 1992 is not amended to ensure payments by the Troubles-related incident Victims' Payment Scheme (Northern Ireland) are disregarded, it may prevent local authorities disregarding any payments made by the Troubles-related incident Victims' Payment Scheme (Northern Ireland) when making financial assessments in relation to an individual's residential social care support charges.

### **Stage 1: Framing**

#### **Summary of findings**

26. This legislative change will allow an amendment to the annual Charging for Residential Accommodation Guidance (CRAG) updates that will take effect from April 2022, as agreed with the Scottish Government's CRAG Working Group on 23 September 2021 to disregard this compensation, exempting it from social care support means tested financial assessments for those wishing to or residing in residential care. This aligns the CRAG policy with other parts of the UK for this disregard.

27. Based on the information available it would appear that this amendment will have a positive impact on equality considerations for a small number of people.

**Extent/Level of EQIA required**

28. As payments by the Troubles-related incident Victims' Payment Scheme (Northern Ireland) were implemented in Northern Ireland the majority of the data is based on the equality impact assessments completed in Northern Ireland:

- [Section 75: Equality Impact Assessment - The Victims' Payments Regulations 2020](#)
- [NIO Equality Screening Form](#)
- [Guidance on decision-making for the Victims' Payments Scheme](#)

29. Below is the evidence gathered and assessed in relation to the Protected Characteristics of the Equality Act 2010. Given the small numbers of people potentially impacted in Scotland, and the universal access to the application process, no other impact assessments are planned.

## Stage 2: Data and evidence gathering, involvement and consultation

Include here the results of your evidence gathering (including framing exercise), including qualitative and quantitative data and the source of that information, whether national statistics, surveys or consultations with relevant equality groups.

Characteristic <sup>11</sup>	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
<p><b>Age</b></p>	<p>Many of those victims and survivors of the Troubles who stand to benefit from the proposed approach to Victim's Payments are older people (60+). The Victims and Survivors Service client base data, NI Omnibus Survey 2017 statistics and academic research including Breen-Smyth, M. (2012) suggest that people over 60 will particularly benefit from this policy.</p> <p>The sector has demonstrated that older victims of the Troubles are struggling to make ends meet. The scheme would not have any age-based exclusions and so should help to meet those needs.</p> <p>Under the scheme eligible applicants to the scheme who suffered disablement caused by injuries in a Troubles-related incident dating back to 1966 will receive payments in acknowledgment of the harm that they have suffered.</p> <p>The regulations include a lump sum option for people over the age of 60 to enable them to access the payment in this way if it better suits their</p>	<p>Equality Impact Assessment - The Victims' Payments Regulations 2020</p> <p>And</p> <p>NIO Equality Screening Form</p>	<p>No specific data on age are available, however, related data is available that has informed our analysis.</p>

<sup>11</sup> Refer to Definitions of Protected Characteristics document for information on the characteristics

	<p>circumstances.</p> <p>It is possible that as older victims will tend to have been injured a longer time ago, they may have particular needs in terms of evidencing the application, getting access to records, etc.</p> <p>For younger people, it is clear that if their parents were the victims who were injured in Troubles-related incidents, they may have suffered from a range of financial implications including damaged career opportunities and a reduced ability to have the financial independence to support them as they grew up.</p> <p>On 31 March 2021, residents in Scottish care homes for older people (65 years old and older) accounted for 91% of residents in all care homes for adults (30,502 out of 33,353).</p>	<p>Scottish Care Home Census 2021</p>	
<p><b>Disability</b></p>	<p>Victims and Survivors Service data, the Victims Commissioner's advice, the testimonies of victims and survivors, and the WAVE injured group's campaign for a Victims Pension demonstrated the justification and positive benefits that some form of victim's payment will have on those eligible applicants who suffer from serious disability.</p> <p>It is estimated that 40,000 individuals were physically injured in</p>	<p>Equality Impact Assessment - The Victims' Payments Regulations 2020</p> <p>NIO Equality Screening Form</p>	<p>No specific data on being disabled are available, however, related data is available that has informed our analysis.</p>

	<p>Troubles incidents, ranging across bombs exploding, riots, shootings, armed robberies and 'punishment' attacks. Many more individuals are estimated to have suffered from psychological injuries. The compensation scheme will primarily benefit the most seriously disabled survivors of Troubles-related incidents who have suffered from either physical and psychological injury, or both.</p> <p>In Scotland between 2017- 20, the poverty rate after housing costs for people in households with a disabled person was 23% (500,000 people each year). This compares with 17% (540,000 people) in a household without disabled household members.</p>	<p>Poverty and Income Inequality in Scotland 2017-20</p>	
<p><b>Sex</b></p>	<p>Based on the Victims and Survivors Service experience, there may be more women who apply to the proposed payment scheme than men; this is partly an outworking of how men and women were differentially affected by Troubles-related incidents, and partly reflects trends when it comes to seeking support.</p> <p>The scheme will not be open to those with a spent or unspent criminal conviction connected to the incident in which they sustained their injury and</p>	<p>Equality Impact Assessment - The Victims' Payments Regulations 2020</p>	<p>No specific data on being disabled are available, however, related data is available that has informed our analysis.</p>

	<p>an independent board will have discretion to withhold a payment if a person has an unspent criminal conviction for a serious offence or in exceptional circumstances. This provides a mechanism for deciding whether a conviction means that it would not be appropriate for a person to be entitled to an award through this scheme.</p> <p>The data from the Victims' Payments Regulations for recent conviction data suggest that men have a greater prevalence of serious criminal conviction and so the scheme may have a differential impact on men with serious troubles related convictions.</p> <p>In Scotland, data suggests that unpaid caring is higher among women than men, with 18% of women in the Scottish Household Survey being unpaid carers in comparison to 12% of men.</p> <p>In Northern Ireland, 64% of unpaid carers are women, while 36% are men.</p> <p>The criminal cases dealt with in the Crown and magistrates' courts in Northern Ireland for the calendar year 2020, show that , 82.3% of defendants were male.</p>	<p>Scottish Health Survey 2018: main report - revised 2020</p> <p>Carers NI, citing Northern Irish Census 2011 and Valuing Carers report (2011)</p> <p>Court prosecutions, convictions and out of court disposals statistics for Northern Ireland, 2020</p>	
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	In Scotland, the numbers of people convicted per 1,000 population by sex and age, 2008-09 to 2017-18 show that on average males are five times more likely to be convicted of crimes than females.	Criminal proceedings in Scotland 2017-2018	
<b>Pregnancy and Maternity</b>	No information is available on the pregnancy or maternity of people likely to be affected by the amendment.		No specific data on the pregnancy and maternity status of applicants is available.
<b>Gender Reassignment</b>	No information is available on the gender reassignment status of people likely to be affected by the amendment.		No specific data on the gender reassignment status of applicants is available.
<b>Sexual Orientation</b>	No information is available on the sexual orientation of people likely to be affected by the amendment.		No specific data on the sexual orientation of applicants is available.
<b>Race</b>	The ethnicity of the NI population is predominantly white (98% in 2011 Census), it is expected that the majority of applicants to the Historical Institutional Abuse Redress Board will be of white ethnicity.	Historical Institutional Abuse Redress Board - Equality Screening Form	No specific data on the race of applicants is available.  The NI Council for Racial Equality has noted the lack of acknowledgement for those who suffered during the Troubles from minority backgrounds. Those seriously injured from minority backgrounds would benefit from this pension and so would help meet that need.
<b>Religion or Belief</b>	Applicants are predominantly likely to fall within Northern Ireland's two traditional religious backgrounds - i.e. Protestant and Catholic.	Equality Impact Assessment - The Victims' Payments Regulations 2020	No specific data on the religion or beliefs of applicants is available, however, related data is available that has

	<p>The research by Dr Marie Breen-Smyth 'The needs of individuals and their families injured as a result of the Troubles in Northern Ireland' provides further information on this: "The Cost of the Troubles Survey (Fay et al, 1999) found that percentage of Catholics reporting a lot (8.9%) and quite a lot (22.8%) of experience of the Troubles was much higher than that of Protestants (5.25% and 13.80/0 respectively) whilst only 5% of Catholics compared to 38.9% of Protestants reported very little experience of the Troubles.</p> <p>The survey concluded that Catholic experience of the Troubles is disproportionately high; of those reporting a complete change in their lives due to the Troubles, 90.9% were Catholic compared to 8.1% Protestant. Catholics overall, report having experienced more extreme effects of the Troubles, whereas Protestants report less overall change on a smaller scale; in spite of this, proportionately more Protestants than Catholics reported long-standing illnesses. Catholics also reported more painful memories, dreams, and nightmares about the Troubles, intrusive thoughts, losing interest in normal</p>		<p>informed our analysis.</p>
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	activities and feelings of insecurity and jumpiness than Protestants.”		
<b>Marriage and Civil Partnership</b> (the Scottish Government does not require assessment against this protected characteristic unless the policy or practice relates to work, for example HR policies and practices - refer to Definitions of Protected Characteristics document for details)	This Protected Characteristic is not relevant to this assessment.		This Protected Characteristic is not relevant to this assessment.

### Stage 3: Assessing the impacts and identifying opportunities to promote equality

Having considered the data and evidence you have gathered, this section requires you to consider the potential impacts – negative and positive – that your policy might have on each of the protected characteristics. It is important to remember the duty is also a positive one – that we must explore whether the policy offers the opportunity to promote equality and/or foster good relations.

#### Do you think that the policy impacts on people because of their age?

Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	X			<p>This amendment may benefit older age group categories more than younger age group categories as the majority of victims and survivors are likely to be older. For many applicants it will vindicate their lived experience of the impact of the Troubles on their physical and mental health.</p> <p>There may be some benefit to younger people whose parents were victims of Troubles-related incidents.</p> <p>However, individuals of all age groups will be able to apply to the Troubles-related incident Victims Payment Scheme (Northern Ireland).</p>
Advancing equality of opportunity	X			<p>It is expected that this policy will have a positive impact on those older people living with disablement caused by a serious Troubles-related injury as they will receive a form of additional acknowledgement, and additional monies, given that the scheme is making payments in respect of injuries sustained over the entire period of the Troubles.</p> <p>The sector has demonstrated that older victims of the Troubles are struggling to make ends meet. The pension would not have any age-based parameters and so should help to meet those needs.</p> <p>The amendment proposed will ensure that people will retain the full value of any payment made via the Troubles-related incident Victims Payment Scheme (Northern Ireland) if subject to charging for residential care and support. This will ensure equality of opportunity with those receiving payments who plan to live in residential care.</p>

Promoting good relations among and between different age groups	X			<p>Although, it is likely to benefit older people more, individuals of all age groups are able to apply to the Troubles-related incident Victims Payment Scheme (Northern Ireland).</p> <p>Younger family members may feel a stronger connection to their loved ones who were directly impacted by the Troubles, and vindication of their loved ones' lived experience of disadvantage as a result.</p>
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**Do you think that the policy impacts disabled people?**

<b>Disability</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation	X			<p>The Troubles-related incident Victims Payment Scheme (Northern Ireland) will primarily benefit the most seriously disabled survivors of Troubles-related incidents who have suffered from either physical and psychological injury, or both.</p> <p>The compensation scheme will differentiate between people who have caused, wholly or in part, the incident in which they were injured from people who were victims of the Troubles who played no part in the incidents. For many applicants it will vindicate their lived experience of the life changing injuries sustained, which may have made them disabled, and which may have previously not been believed resulting in discrimination, harassment and victimisation.</p> <p>This amendment may benefit disabled people more than non-disabled people as it is more likely that a person using a care home has an impairment or long term health condition.</p>
Advancing equality of opportunity	X			<p>The primary aim of this policy is to have a positive impact on those living with disablement caused by a serious Troubles-related injury as they will receive a form of additional acknowledgement, and additional monies to provide acknowledgement and which will help to meet their particular needs.</p>

				As families with a disabled person are more likely to experience poverty, ensuring that the compensation paid to a disabled survivor, or a disabled victim's family, this disregard will enable them to retain more of their income. This may be more pertinent if a person is disabled due to a Troubles-related incident, and as a result, has been financially disadvantaged in life.
Promoting good relations among and between disabled and non-disabled people	X			While the compensation scheme is primarily aimed at disabled people, their non-disabled family members may also gain some benefit from the Troubles-related incident Victims Payment Scheme (Northern Ireland).

**Do you think that the policy impacts on men and women in different ways?**

<b>Sex</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation	X	X		<p>There may be more women who apply to the proposed payment scheme than men; this is partly an outworking of how men and women were differentially affected by Troubles-related incidents, and partly reflects trends when it comes to seeking support.</p> <p>Men are more likely to commit crimes than women and so men may be more impacted by the reasons why an assessor for the compensation scheme may turn down an application. However, to maintain the integrity of the Troubles-related incident Victims Payment Scheme (Northern Ireland) and the successful applicants, this potential for indirect discrimination is justified, on balance.</p>
Advancing equality of opportunity	X			Women are more often unpaid carers than men. It is anticipated that the higher number of women that benefit from the scheme either as injured people or unpaid carers of their spouses means that they will gain greater financial security.
Promoting good relations between men and women	X			Individuals of both sexes are able to apply to the Troubles-related incident Victims Payment Scheme (Northern Ireland).

**Do you think that the policy impacts on women because of pregnancy and maternity?**

<b>Pregnancy and Maternity</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The evidence is not available to make any analysis.
Advancing equality of opportunity			X	The evidence is not available to make any analysis.
Promoting good relations			X	The evidence is not available to make any analysis.

**Do you think your policy impacts on transsexual people?**

<b>Gender reassignment</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The evidence is not available to make any analysis.
Advancing equality of opportunity			X	The evidence is not available to make any analysis.
Promoting good relations			X	The evidence is not available to make any analysis.

**Do you think that the policy impacts on people because of their sexual orientation?**

<b>Sexual orientation</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The evidence is not available to make any analysis.
Advancing equality of opportunity			X	The evidence is not available to make any analysis.
Promoting good relations			X	The evidence is not available to make any analysis.

**Do you think the policy impacts on people on the grounds of their race?**

<b>Race</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	This policy may benefit individuals of white ethnicity more than other ethnic groups. This lack of racial diversity reflects the ethnicity mix of the community.
Advancing equality of opportunity			X	There is no indication that the equality of opportunity for the dominant white ethnicity is either positive or negative.
Promoting good race relations	X			Individuals of all racial groups are able to apply to the Troubles-related incident Victims Payment Scheme (Northern Ireland).

**Do you think the policy impacts on people because of their religion or belief?**

<b>Religion or belief</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation	X			The Troubles have always been viewed as a conflict which has been religiously underpinned between Catholics and Protestants. Successful applicants of the Troubles-related incident Victims Payment Scheme (Northern Ireland) will be able to demonstrate that their physical or psychological injuries, resulting from Troubles related incidents were not of their making. This is likely to address any community suspicion that may have resulted in discrimination, harassment or victimisation that an applicant may have experienced.
Advancing equality of opportunity	X			For successful applicants it will enable them and their families to be more financially secure and balance any disadvantage from not being able to maintain a long term career due to the injuries, and provide some respite from living with the stress of living on a low income.
Promoting good relations	X			Providing acknowledgement of harm caused by the Troubles has been highlighted across the spectrum of political opinion in Northern Ireland as a critical aspect of helping the people of Northern Ireland and the United Kingdom address the legacy of the Troubles.

				<p>The Troubles-related incident Victims Payment Scheme (Northern Ireland) is framed within the Stormont House Agreement as a key mechanism to progressing reconciliation and addressing the legacy of the past in Northern Ireland.</p> <p>Individuals of all religious or belief based groups will be able to apply to the Troubles-related incident Victims Payment Scheme (Northern Ireland).</p>
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**Do you think the policy impacts on people because of their marriage or civil partnership?**

<b>Marriage and Civil Partnership<sup>12</sup></b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			X	This Protected Characteristic is not relevant to this assessment.

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<sup>12</sup> In respect of this protected characteristic, a body subject to the Public Sector Equality Duty (which includes Scottish Government) only needs to comply with the first need of the duty (to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010) and only in relation to work. This is because the parts of the Act covering services and public functions, premises, education etc. do not apply to that protected characteristic. Equality impact assessment within the Scottish Government does not require assessment against the protected characteristic of Marriage and Civil Partnership unless the policy or practice relates to work, for example HR policies and practices.

## Stage 4: Decision making and monitoring

### Identifying and establishing any required mitigating action

Have positive or negative impacts been identified for any of the equality groups?	Yes - positive
Is the policy directly or indirectly discriminatory under the Equality Act 2010?	No.
If the policy is indirectly discriminatory, how is it justified under the relevant legislation?	N/A
If not justified, what mitigating action will be undertaken?	N/A

### Describing how Equality Impact analysis has shaped the policy making process

No equality issues have been raised that will require changes to the framing of the legislation.

### Monitoring and Review

Any monitoring and review of the usage of the Troubles-related incident Victims' Payment Scheme disregard will be undertaken by SG officials in the Improving Standards and Quality Division of the Social Care and National Care Service Development Directorate.

### Stage 5 - Authorisation of EQIA

Please confirm that:

- ◆ This Equality Impact Assessment has informed the development of this policy:

Yes  No

- ◆ Opportunities to promote equality in respect of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation have been considered, i.e.:

- Eliminating unlawful discrimination, harassment, victimisation;
- Removing or minimising any barriers and/or disadvantages;

- Taking steps which assist with promoting equality and meeting people's different needs;
- Encouraging participation (e.g. in public life)
- Fostering good relations, tackling prejudice and promoting understanding.

Yes  No

- ◆ If the Marriage and Civil Partnership protected characteristic applies to this policy, the Equality Impact Assessment has also assessed against the duty to eliminate unlawful discrimination, harassment and victimisation in respect of this protected characteristic:

Yes  No  Not applicable

### **Declaration**

I am satisfied with the equality impact assessment that has been undertaken for The National Assistance (Assessment of Resources) Regulations 1992 and give my authorisation for the results of this assessment to be published on the Scottish Government's website.

Name: Dr ST Cuthbert-Kerr

Position: Deputy Director for Improving Standards and Quality Division, Directorate for Social Care and National Care Service Development Directorate

Authorisation date: 27 January 2022



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